

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MICHELLE PULLIAM, on behalf of herself  
and all others similarly situated;

Plaintiff,

vs.

WEST TECHNOLOGY GROUP, LLC,

Defendant.

8:23CV159

ORDER FOR CONSOLIDATION

MARINA MAULDIN, individually and on  
behalf of all others similarly situated;

Plaintiff,

vs.

WEST TECHNOLOGY GROUP, LLC,

Defendant.

8:23CV163

ORDER FOR CONSOLIDATION

NICOLE PETERSEN, individually and on  
behalf of all others similarly situated;

Plaintiff,

vs.

WEST TECHNOLOGY GROUP, LLC,

Defendant.

4:23CV3072

ORDER FOR CONSOLIDATION

This matter is before the Court on the Unopposed Motion to Consolidate (Filing No. 6 in Case No. 8:23CV159) filed by the plaintiffs in each of the above-captioned cases. The plaintiffs seek consolidation of the above-captioned related cases, as well as any subsequently filed or transferred related actions, for all purposes pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. Each of the plaintiff's claims arise out of a cyberattack on the defendant's computer network beginning on or between November 25, 2022, and December 1, 2022, ("the Data

Breach”), comprising the plaintiffs’ private information. The defendant does not oppose consolidation of related actions.

After review of the pleadings and the motion, the Court finds consolidation pursuant to Fed. R. Civ. P. 42(a) is warranted. The plaintiffs have proposed filing a consolidated amended complaint in what the Court will designate the Lead Case, *Pulliam v. West Technology Group, LLC*, Case No. 8:23-cv-00159; thereafter, the plaintiffs propose administratively closing the remaining two Member Cases. The parties have also proposed a schedule for briefing on the defendant’s anticipated responsive pleading. Upon consideration,

**IT IS ORDERED:**

1. The plaintiffs’ Unopposed Motion to Consolidate (Filing No. 6 in Case No. 8:23CV159) is granted.
2. The above-captioned cases are consolidated for all purposes. The Court designates Case No. 8:23CV159 as the “Lead Case” and Case Nos. 8:23CV163 and 4:23CV3027 as “Member Cases.” The Clerk of Court shall reassign the Member Cases to District Judge Brian C. Buescher, with the undersigned magistrate judge remaining assigned to all consolidated cases.
3. The Court’s CM/ECF System has the capacity for “spreading” text among the consolidated cases. If properly docketed, the documents filed in the Lead Case will automatically be filed in all Member Cases. To this end, the parties are instructed to file all further documents (except as described below in subsections a. and b. of this paragraph) in the Lead Case, No. 8:23CV159, *Pulliam v. West Technology Group, LLC*, and to select the option “yes” in response to the System’s question whether to spread the text.
  - a. The parties may not use the spread text feature to file complaints, amended complaints, and answers; to pay filing fees electronically using pay.gov; to file items related to service of process; or to file notices of appeal. Attempting to do so will cause a system error, and therefore these documents must be separately filed in each of the lead and member cases. When filing such documents, counsel may either file the document

separately in each case, or file the document in the Lead Case and ask the court to then file it in all member cases.

- b. If a party believes that a document in addition to those described in subparagraph a. above should not be filed in all of these consolidated cases, the party must move for permission to file the document in a limited number of the cases. The motion must be filed in each of the consolidated cases using the spread text feature.
4. As agreed by the parties:
  - a. The plaintiffs shall file a Consolidated Amended Complaint in the Lead Case on or before **June 23, 2023**.
  - b. The deadline for the defendant to file an answer or other responsive pleading to the Consolidated Amended Complaint shall be 45-days after the Consolidated Amended Complaint is filed.
  - c. If the defendant files a motion under Fed. R. Civ. P. 12 as a responsive pleading, the plaintiffs shall have 30-days to file a brief in opposition. Thereafter, the defendant may have 21-days to file a brief in reply.
5. Because the plaintiffs anticipate filing a Consolidated Amended Complaint in the Lead Case, the Clerk of Court is directed to administratively close the two Member Cases.
6. For subsequently filed or transferred cases arising out of the same subject matter at issue in the Consolidated Lead Case, attorneys of record must notify the court that the case is related to this action pursuant to NEGenR. 1.4(A).
  - a. A party seeking to consolidate a subsequently filed related case must file a motion to consolidate in that case. The motion should state whether it is opposed or unopposed. Pursuant to NECivR. 7.1(a)(1)(B), an unopposed or stipulated motion does not require a brief.
  - b. If the motion to consolidate is opposed, the Court will rule on such motion after briefing in accordance with NECivR. 7.1.

Dated this 23<sup>rd</sup> day of May, 2023.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge